

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

OLIVIA Y., by and through her next friend, James D. Johnson;
JAMISON J., by and through his next friend, Clara Lewis;
DESIREE, RENEE, TYSON, and MONIQUE P.,
by and through their next friend, Sylvia Forster;
JOHN A., by and through his next friend, James D. Johnson;
CODY B., by and through his next friend, Sharon Scott;
MARY, TOM, MATTHEW, and DANA W.,
by and through their next friend, Zelatra W.; AND
SAM H., by and through his next friend, Yvette Bullock;
on their own behalf and behalf of all others similarly situated

PLAINTIFFS,

v. CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi;
DONALD TAYLOR, as Executive Director of the Department
of Human Services; AND BILLY MANGOLD,
as Director of the Division of Family and Children's Services

DEFENDANTS.

**PLAINTIFFS' MOTION FOR CONTEMPT AND FOR THE
APPOINTMENT OF A RECEIVER**

Plaintiffs respectfully move this Court for an order finding Defendants in contempt of this Court's orders, and for the appointment of a general receiver with full authority to administer Mississippi's child welfare system to bring it into compliance with the orders of this Court. This motion is brought pursuant to Federal Rule of Civil Procedure 70(e), section VII.B of the Settlement Agreement and Reform Plan ("Settlement Agreement") entered into by the Parties and approved by Order of this Court on January 4, 2008, and paragraph 11 of a corrective action plan ("the Bridge Plan") agreed upon by the Parties and entered by this Court on June 10, 2010.

This motion is supported by the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Contempt and for the Appointment of a Receiver.

As explained in full in Plaintiffs' accompanying memorandum of law, an order finding Defendants in contempt and the appointment of a receiver is necessary to prevent further harm to the entire class of *Olivia Y.* foster children whose safety and wellbeing remain at risk as a direct result of Defendants' widespread and massive disregard of its Court-ordered obligations. The requirements for a finding of contempt and the appointment of a receiver are amply met by the evidence and arguments submitted with this motion.

Respectfully submitted, this 5th day of October, 2010.

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Plaintiffs' Counsel

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2010, I electronically filed the foregoing Motion for Contempt and for the Appointment of a Receiver with the Court using the ECF system, which sent notification of such filing to the following:

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